

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

**This document relates to:**

**Case No. 1:18-op-45459-DAP**

**THE MUSCOGEE (CREEK) NATION,**

**PLAINTIFF,**

**v.**

**PURDUE PHARMA L.P., *et al.*,**

**DEFENDANTS.**

**MDL No. 2804**

**Master Docket No.:  
1:17-MD-02804-DAP**

**Hon. Judge Dan A. Polster**

**JURY TRIAL DEMANDED**

**OPPOSITION TO OLYMPIA PHARMACY'S MOTION TO DISMISS**

Defendant Olympia Pharmacy's Motion to Dismiss First Amended Complaint ("Defendant's Motion") should be denied as untimely pursuant to Northern District of Ohio Local Rule 7.1. Under Case Management Order 6, *In re: Nat'l Prescription Opiate Litig.*, No. 1:17-md-2804 (N.D. Ohio), ECF No. 770, the time to file motions to dismiss in this case expired on August 31, 2018; Defendant's Motion was not filed for another 42 days, on October 12, 2018.

In the alternative, Defendant's Motion should be dismissed for the reasons set forth in Plaintiff's Consolidated Opposition to Defendants' Motions to Dismiss the Nation's First Amended Complaint, ECF No. 84, which Plaintiff hereby incorporates by reference.

Date: October 31, 2018

OF COUNSEL:

Gregory M. Utter  
Joseph M. Callow, Jr.  
Thomas F. Hankinson  
Sarah V. Geiger  
KEATING MUETHING &  
KLEKAMP PLL  
One East Fourth Street, Suite 1400  
Cincinnati, OH 45202  
gmutter@kmklaw.com  
jcallow@kmklaw.com  
thankinson@kmklaw.com  
sgeiger@kmklaw.com

Richard W. Fields  
FIELDS PLLC  
1700 K Street, NW, Suite 810  
Washington, DC 20006  
fields@fieldslawpllc.com

Lloyd B. Miller  
Donald J. Simon  
Whitney A. Leonard  
SONOSKY CHAMBERS SACHSE  
ENDRESON & PERRY, LLP  
1425 K Street, NW, Suite 600  
Washington, DC 20005  
lloyd@sonosky.net  
dsimon@sonosky.net  
whitney@sonosky.net

William S. Ohlemeyer  
Patricia Melville  
Tyler Ulrich  
Stephen N. Zack  
BOIES SCHILLER FLEXNER LLP  
333 Main Street  
Armonk, NY 10504  
wohlemeyer@bsflfp.com  
pmelville@bsflfp.com  
tulrich@bsflfp.com  
szack@bsflfp.com

/s/ Kevin Dellinger  
Attorney General Kevin Dellinger,  
OBA #15612  
MUSCOGEE (CREEK) NATION  
P.O. Box 580  
Okmulgee, OK 74447  
kdellinger@mcnag.com

/s/ Jenna A. Hudson  
Scott D. Gilbert  
Richard Shore  
Peter Meringolo  
Michael B. Rush  
Jenna A. Hudson  
GILBERT LLP  
1100 New York Avenue, NW, Suite 700  
Washington, DC 20005  
gilberts@gotofirm.com  
shorer@gotofirm.com  
meringolop@gotofirm.com  
rushm@gotofirm.com  
hudsonj@gotofirm.com

*Attorneys for the Muscogee (Creek)  
Nation*

**CERTIFICATE OF SERVICE**

I, Jenna A. Hudson, hereby certify that on October 31, 2018 the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Jenna A. Hudson

Jenna A. Hudson